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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DOUGLAS A. CHELINE, MICHAEL MA, YE ZHANG,
and LESTER J. CHONG

Appeal 2008-005226
Application 09/940,141
Technology Center 2400

Decided: January 11, 2010

Before HOWARD B. BLANKENSHIP, CAROLYN D. THOMAS, and
DEBRA K. STEPHENS, *Administrative Patent Judges*.

STEPHENS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) (2002) from the Examiner's rejection of claims 1-9, 11-20, 22, and 23. Claims 10 and 21 were canceled.¹ We have jurisdiction under 35 U.S.C. § 6(b) (2008).

We REVERSE.

STATEMENT OF THE CASE

According to Appellants, the invention relates to a Virtual Private Network (VPN) that allows multiple clients coupled to the same client-side modem to establish multiple VPN communication tunnels over the same modem (Spec. 2:1-5).

Exemplary Claim

1. A computer implemented method for establishing a Virtual Private Network (VPN) communication tunnel between a client computer and a server-side system, comprising:

receiving a request to establish a VPN session with a server-side system from at least one client computer out of a plurality of client computers coupled to a modem within a client-side system, where said request contains login details for a user of said at least one client computer,

determining a network address of said at least one client computer;

authenticating said user based on said user login details;

establishing a VPN tunnel between said at least one client computer having said network address and said server-side system, where said VPN tunnel is established over said modem;

receiving a new request to establish a new VPN session with a different server-side system from a different client computer out of said

¹ App. Br. 2

plurality of client computers coupled to said modem within said client-side system, where said request contains new login details for a new user of said different client computer;

determining a new network address of said different client computer;

authenticating said new user based on said new user login details; and

establishing a new VPN tunnel between said different client computer having said new network address and said new server-side system, where said VPN tunnel is established over said modem.

Prior Art

The Examiner relies on the following prior art references:

| | | |
|-------------|--------------------|---------------------------------------|
| Vandergeest | US 2002/0169988 A1 | Nov. 14, 2002 (filed May 14, 2001) |
|-------------|--------------------|---------------------------------------|

| | | |
|-------|--------------------|---------------|
| Genty | US 2002/0178361 A1 | Nov. 28, 2002 |
|-------|--------------------|---------------|

Examiner's Rejections

1. The Examiner rejected claims 1-5, 8-9, 11-16, 19-20, and 22-23 under 35 U.S.C. § 102(e) as anticipated by Genty.

2. The Examiner rejected claims 6 and 17 under 35 U.S.C. § 103(a) for obviousness over Genty.

3. The Examiner rejected claims 7 and 18 under 35 U.S.C. § 103(a) for obviousness over Genty and Vandergeest.

THE § 102(e) REJECTION OVER GENTY

Claims 1-5, 8-9, 11-16, 19-20, and 22-23

Appellants contend Genty does not teach establishing two tunnels between two different client computers and two different server side systems (App. Br. 8). Specifically, Appellants assert Genty does not teach

establishing two separate connections from *two separate* computers of the *same* client side system but instead teaches the VPNs 120, 140, and 160 connect to a single computer 130, 150, or 170 (App. Br. 9).

Appellants further contend the VPN connections are to the same computer system 100, and not to different server side systems, as recited in claim 1 (App. Br. 9).

Appellants additionally contend Gentry teaches the three connections are made from the same modem and are shown as originating from the Internet 110 – an intermediate network - not the client-side system (App. Br. 9).

The Examiner found Genty discloses a Private Virtual Network (PVN) for a client or client computers, each client computer connecting via LAN or modem to the network (Ans. 7). More specifically, the Examiner found Genty discloses the client computers establish multiple VPNs through an ISDN modem via a WAN network (*id.*).

Further, the Examiner found Genty teaches multiple computers can “establish multiple VPN connections with either servers (shown in figure 1) or each other” (Ans. 8).

The Examiner additionally finds the modem could be shared by multiple VPN connections and multiple computers sharing a modem for connecting to a WAN is well known (Ans. 8-9).

ISSUE

Have Appellants shown the Examiner erred in finding Genty teaches establishing two VPN systems with two different server-side systems from two different client computers via a single modem?

FINDINGS OF FACT

We find as follows:

Gentry Reference

1. A single computer 100 uses multiple tunnels (virtual private network (VPN) connections) to communicate with various VPNs (VPN "A", VPN "B," and VPN "C") having computer systems 130, 150, 170, respectively (Genty [0039] and Fig. 1).
2. Tunnels A, B, C, and D (235, 245, 255, 265) are created between computers 230, 240, 250, 260 using VPN configuration data and certificate data (Genty [0040], [0041], and Fig. 2).
3. The information handling system 1301 includes a modem 1375 that connects a computer system 1301 to an Internet Service Provider (ISP) (Genty [0216] and Fig. 13).

PRINCIPLES OF LAW

Anticipation

In rejecting claims under 35 U.S.C. § 102, "[a] single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation." *Perricone v. Medicis Pharm. Corp.*, 432 F.3d 1368, 1375 (Fed. Cir. 2005) (citing *Minn. Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1565 (Fed. Cir. 1992)).

ANALYSIS

Exemplary claim 1 recites "a plurality of client computers coupled to a modem within a client-side system ... establishing a VPN tunnel between

said at least one client computer ... and said server-side system, where said VPN tunnel is established over said modem ... and establishing a new VPN tunnel between said different client computer ... and said new server-side system, where said VPN tunnel is established over said modem" (App. Br. 14, Claims App'x).

We find Figure 1 of Genty teaches a plurality of computers (i.e., computers 130, 150, 170) (See FF 1). However, we find Fig. 1 of Genty fails to teach that the computers are connected to one modem. While we also find Figure 2 of Genty teaches a plurality of computers (i.e., computers 230, 240, 250, 260) (See FF 2), we likewise find Figure 2 of Genty fails to teach that the computers 230, 240, 250, 260 are connected to a server-side system via VPN tunnels over one modem.

We find Figure 13 of Genty teaches a modem within an information handling system (computer system) (See FF 3). However, we find Figure 13 also fails to teach or suggest the client computers are coupled via a VPN tunnel using one modem to a server-side system. Further, we find the Examiner errs in his finding that paragraphs [0006, 0007, 0009, 0015-0018, 0216] of Genty teach or suggest a plurality of computers connected to one modem. Thus, we find, with regard to exemplary claim 1, that the Examiner failed to show at least two client computers *coupled to the same modem* that establish two different VPNs connected with different server-side systems.

Each of independent claims 13 and 22 contains limitations similar to those for which the rejection against claim 1 fails. Therefore, we reverse the rejection of (1) independent claim 1, and claims 2-5, 8-9, and 12 which depend therefrom; (2) independent claim 13, and claims 14-16, 19-20, and 23 which depend therefrom; and (3) independent claim 22.

Independent claim 11 differs from exemplary claim 1, as only one server-side system is recited. (See App. Br. 15-16). However, the Examiner has also not shown two different client computers *using the same modem* to establish separate VPNs with the same server. Thus, for the reasons discussed above, with regard to exemplary claim 1, Appellants have persuaded us of error in the Examiner's conclusion of anticipation with regard to claim 11. Accordingly, we reverse the Examiner's rejection of claim 11.

THE § 103 REJECTIONS

Claims 6 and 17 and Claims 7 and 18

The Examiner also rejected (1) claims 6 and 17 under 35 U.S.C. § 103(a) over Genty, and (2) claims 7 and 18 under 35 U.S.C. § 103(a) over Genty and Vandergeest. Claims 6 and 7 depend from independent claim 1 and claims 17 and 18 depend from independent claim 13. Thus, for the reasons discussed above, with regard to independent claims 1 and 13, respectively, Appellants have persuaded us of error in the Examiner's conclusion of obviousness with regard to claims 6-7 and 17-18. Accordingly, we reverse the Examiner's rejection of those claims.

CONCLUSION

Based on the findings of facts and analysis above, Appellants have shown the Examiner erred in finding Genty teaches establishing two VPN systems with two different server-side systems from two different client computers via a single modem.

Accordingly, Appellants have shown the Examiner erred in rejecting (1) claims 1-5, 8-9, 11-16, 19-20, and 22-23 under 35 U.S.C. § 102(e) as anticipated by Genty; (2) claims 6 and 17 under 35 U.S.C. § 103(a) as obvious over Genty and (3) claims 7 and 18 under 35 U.S.C. § 103(a) as obvious over Genty and Vandergeest.

DECISION

We therefore reverse the Examiner's rejection of (1) claims 1-5, 8-9, 11-16, 19-20, and 22-23 under 35 U.S.C. § 102(e) as anticipated by Genty; (2) claims 6 and 17 under 35 U.S.C. § 103(a) as obvious over Genty, and claims 7 and 18 under 35 U.S.C. § 103(a) as obvious over Genty and Vandergeest.

REVERSED

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